

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PAUL F. SIKORA,

Plaintiff,

vs.

UPMC a/k/a UPMC HEALTH SYSTEM
and the UPMC HEALTH SYSTEM and
AFFILIATES NON-QUALIFIED
SUPPLEMENTAL BENEFIT PLAN,

Defendants.

}
}
}
}
}
}
}
}
}
}
}

Civil Action No. 12-1860

Judge Hornak

MOTION OF DEFENDANTS FOR PARTIAL SUMMARY JUDGMENT

Defendants move pursuant to Fed. R. Civ. P. 56 for summary judgment in their favor and against the plaintiff on the issue of whether the defendant Plan is a plan that is unfunded and maintained primarily for the purpose of providing deferred compensation to a select group of management or highly compensated employees, also known as a top hat plan. Defendants submit that there are no disputed issues of material fact and that the evidence discloses that they are entitled to summary judgment on the issue presented as a matter of law.

WHEREFORE, defendants pray that their motion be granted and that an Order be filed declaring that the defendant plan is a top hat plan.

Respectfully submitted,

s/John J. Myers

John J. Myers

Pa. ID 23596

Eckert Seamans Cherin & Mellott LLC

44th Floor, 600 Grant Street

Pittsburgh, PA 15219

412-566-5900

jmyers@eckertseamans.com